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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MAR 07 2006

In re: Application of: Hakim
Serial No.: 10/001,257
Filing Date: 11/27/01
Examiner: Grosso, Harry A.
Art Unit: 3727
For: No Spill Drinking
Cup Apparatus
Attorney Docket No.: 4009.007.002

Patent Application

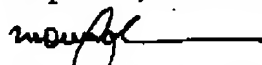
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Transmittal Letter
(3 pages total including this sheet)

Enclosed please find a Response to the Notice of October 5, 2005 in the above-captioned matter. The Commissioner is hereby authorized to charge all fees required to Deposit Account No. 50-1604, and it is requested that any overpayments in this application be credited thereto.

Dated: March 7, 2006

Respectfully submitted,


Morris E. Cohen (Reg. No. 39,947)
1122 Concy Island Avenue, Suite 217
Brooklyn, New York 11230
(718) 859-8009 (telephone)
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CERTIFICATE OF MAILING (FACSIMILE TRANSMISSION)

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office (Art Unit 3727) at Facsimile Number 571-273-8300 on March 7, 2006.


Morris E. Cohen
Transmission Date: March 7, 2006

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Response to Office Action of October 5, 2005

Receipt is acknowledged of the Notice of Improper Request for Continued Examination (RCE) dated October 5, 2005 in the above-captioned matter (copy attached). In the notice, it was indicated that the Request for Continued Examination (RCE) filed on July 7, 2005 was improper as not being accompanied by the fee set forth in 37 CFR 1.17(e). Reconsideration is respectfully requested.

When the RCE was filed, authorization was provided to charge any amounts due to our deposit account (Account No. 50-1604), and, likewise, sufficient funds were maintained in the account at the time of filing. Accordingly, it is respectfully requested that the notice be reconsidered and/or withdrawn, and that any funds necessary for the RCE be charged to Deposit Account No. 50-1604.

Counsel respectfully thanks the Patent Office in advance for its attention to this matter.

Dated: March 7, 2006

Respectfully submitted,



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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
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10/001,257

DATE MAILED:

NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE)

The request for continued examination (RCE) under 37 CFR 1.114 filed on 7/7/05 is improper for reason(s) indicated below:

- ☐ 1. Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d). An RCE cannot be treated as a CPA.
- ☐ 2. Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b).
- ☐ 3. Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. If the RCE was accompanied by a reply to a non-final Office action, the reply will be entered and considered under 37 CFR 1.111. If the RCE was not accompanied by a reply, the time period set forth in the last Office action continues to run from the mailing date of that action.
- ☐ 4. The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
- ☐ 5. The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on _____. Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
- ☒ 6. The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.
- ☐ 7. The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.

Note: A continued prosecution application (CPA) under 37 CFR 1.53(d) cannot be filed in a utility or plant application. A CPA filed in a utility or plant application that has a filing date on or after June 8, 1995 will be treated as an RCE under 37 CFR 1.114. The request for a CPA in the instant application, however, has been treated as an improper RCE for the reason(s) indicated above.

A copy of this notice MUST be returned with any reply.

Direct the reply and any questions concerning this notice to:

RM LLOYD, Technology Center 3727
571-272-4346

FORM PTO-2061 (Rev. 7/2003)